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3739
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Victor I. Chornenky, *et al.*

Appl. No. 10/010,911

Filed: November 20, 2001

For: **Device for Delivering Localized X-Ray
Radiation and Method of Manufacture**

Art Unit: 3739

Examiner: Not Assigned

Atty. Docket: P775 CON 3

Assistant Secretary and Commissioner of Patents and Trademarks
Application Processing Division's Customer Correction Branch
Washington, D.C. 20231

REPLY TO RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Dear Sir:

In the Response to Request for Corrected Filing Receipt, the Customer Service Center indicated that the priority or continuity claim was not entered because it was not filed during the required time period. The Customer Service Center suggested that Applicant file a petition to accept an unintentionally delayed claim for priority. However, Applicant properly claimed priority in the New Application Transmittal filed November 20, 2001. See statement 12 on the New Application Transmittal.

Again, please find enclosed the Request for Corrected Filing Receipt filed January 10, 2003. Enclosed is a copy of the filing receipt with changes noted. Also enclosed is the New Application Transmittal filed November 20, 2001.

Respectfully Submitted,

Catherine C. Maresh
Registration No. 35,268
Medtronic AVE Inc.
3576 Unocal Place
Santa Rosa, CA. 95403
(707) 543-0221

CERTIFICATE OF MAILING (37 CFR 1.8A)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in the envelope addressed to: Application Processing Division's Customer Correction Branch, Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 2/11, 2003

Christine L. Aceves



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:

Victor I. Chornenky, *et al.*

Appl. No. 10/010,911

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Assistant Secretary and Commissioner of Patents and Trademarks
Application Processing Division's Customer Correction Branch
Washington, D.C. 20231

TRANSMITTAL OF REQUEST FOR CORRECTED FILING RECEIPT

Dear Sir:

Attached is a copy of the Official Filing Receipt received from the Patent and Trademark Office in the above-noted application for which issuance of a new corrected filing receipt is respectfully requested.

Specifically, there is an error in the Domestic Priority as claimed by application. The Official Filing Receipt indicates that the above-referenced application is a continuation-in-part of 08/701,764, filed on 8/22/1996. The above-referenced application is a continuation of U.S. application 09/123,669, filed on July 28, 1998 which is a continuation of 08/806,244, filed on February 21, 1997, which is a continuation-in-part of 08/701,764, filed on August 22, 1996.

Enclosed is a copy of the filing receipt with changes noted.

Respectfully Submitted,

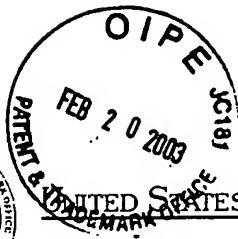
Catherine C. Maresh
Registration No. 35,268
Medtronic AVE Inc.
3576 Unocal Place
Santa Rosa, CA. 95403
(707) 543-0221

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Date: 1/10, 2003

Christine L. Aceyes

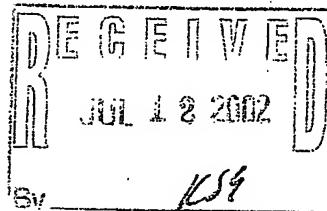


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/010,911	11/20/2001	3739	740	P775 CON 3	2	6	2

28390
 MEDTRONIC AVE, INC.
 3576 UNOCAL PLACE
 SANTA ROSA, CA 95403



CONFIRMATION NO. 6127

FILING RECEIPT



OC000000008399282

Date Mailed: 07/05/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Victor I. Chornenky, Minnetonka, MN;
 Michael R. Forman, St. Paul, MN;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A ~~CP~~ OF 08/701,764 08/22/1996
 WHICH CLAIMS BENEFIT OF 60/006,708 11/14/1995
 AND CLAIMS BENEFIT OF 60/002,722 08/24/1995

Foreign Applications

If Required, Foreign Filing License Granted 07/03/2002

Projected Publication Date: 10/10/2002

Non-Publication Request: No

Early Publication Request: No

Title

Device for delivering localized x-ray radiation to an interior of a body and method of manufacture

Preliminary Class

Continuation of 08/123,669 7/23/98
 which claims benefit is a continuation

of 08/806,244 7/21/97 which is a
 continuation of part of

CPI 158RED BOOK 2nd Review Not ConsentedFiling Receipt12 Aug 2002



COPY

Practitioner's Docket No. P775 CON 3

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Victor I. Chormenky; Michael R. Forman

For (title): Device for Delivering Localized X-Ray Radiation and Method of Manufacture

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10*

with sufficient postage as first class mail.

as "Express Mail Post Office to Address"
Mailing Label No. EV005741786 US
(mandatory)

TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office (703) _____.

Date: 12/4/01

Christine L. Aceves
Signature

Christine L. Aceves

(type or print name of person certifying)

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).

"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

1. Type of Application

This transmittal is for a continuation application.

2. Benefit of Prior U.S. Applications (35 U.S.C. Sections 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are
ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.
APPLICATIONS CLAIMED.

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design)
Application

16 Page(s) of Specification

6 Page(s) of Claims

2 Sheet(s) of Drawing(s)--Formal

B. Other Papers Enclosed

4 Page(s) of declaration and power of attorney

1 Page(s) of abstract

4. Additional Papers Enclosed

Amendment to claims

Cancel in this applications claims 1-30 before calculating the filing fee.

Preliminary Amendment

5. Declaration or Oath

Enclosed

Executed by:

* inventors.

6. Inventorship Statement

The inventorship for all the claims in this application is the same.

7. **Language**

English

8. **Fee Calculation (37 C.F.R. Section 1.16)**

Regular Application

CLAIMS AS FILED

Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a)
					\$740.00
Total Claims (37 CFR 1.16(c))	15	- 20 =	0 x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	2	- 3 =	0 x	\$80.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$270.00	\$0.00

Amendment cancelling extra claims is enclosed.

Filing Fee Calculation \$740.00

9. **Fee Payment Being Made at This Time**

Enclosed

Filing Fee \$740.00

Total Fees Enclosed \$740.00

10. Method of Payment of Fees

Charge Account No. 012525 in the amount of \$740.00.
A duplicate of this transmittal is attached.

11. Instructions as to Overpayment

Credit Account No. 01-2525.

**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATIONS CLAIMED**

12. Relate Back

Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. Section 119(e)

"This application claims the benefit of U.S. Provisional Application Nos.:

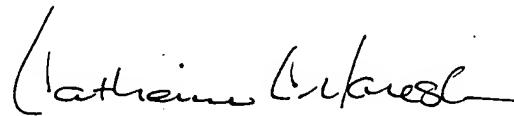
APPLICATION NO.	FILING DATE
09/123,669	07/28/1998
08/806,244	02/21/1997
08/701,764	08/22/1996

13. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

a. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are the same.

Date: Nov. 2020

Reg. No.: 35,268
Tel. No.: 707-543-0221
Customer No.: 28390



Signature of Practitioner

Catherine C. Maresh
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3576 Unocal Place
Santa Rosa, CA 95403